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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|------------------------|---------------------|------------------|
| 10/821,645   | 04/08/2004  | Ralph E. Wessinger JR. | NES-014COK          | 8998             |
| 28661  | 7590        | 11/27/2006             | EXAMINER            |                  |
| SIERRA PATENT GROUP, LTD.<br>1657 Hwy 395, Suite 202<br>Minden, NV 89423 |             |                        | AHN, SANGWOO        |                  |
|  |             |                        | ART UNIT            | PAPER NUMBER     |
|  |             |                        | 2166                |                  |

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                                 |  |
|------------------------------|-------------------------------|---------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/821,645 | Applicant(s)<br>WESINGER ET AL. |  |
|                              | Examiner<br>Sangwoo Ahn       | Art Unit<br>2166                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date  
:02172005,06152005,08172005,02022006,07142006,10252006,11082006.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 – 8, 16, 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites “said keywords”. There is insufficient antecedent basis for this limitation.

Claim 7 and 18 recite “said second set of keywords”. There is insufficient antecedent basis for this limitation.

Claim 8 and 19 recite “said content categories”. There is insufficient antecedent basis for this limitation which renders the entire claim indefinite.

Examiner also asserts that claims 5 and 16 fail to particularly point out and distinctly claim the subject matter. These claims recite “said content includes keywords”. However, Claims 6 and 17 recite “said content includes categories associated to said keywords”. Examiner is confused whether **“keywords” are the “content”, “keywords” and “categories” both are the “content”, or “keywords” are just to which categories are associated.**

For the purpose of proper examination, Examiner respectfully suggests Applicant to make clarifications.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 12 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. For an apparatus to be physical object, at least one recited element must be hardware. If all elements would have been reasonably interpreted in light of the disclosure by one of ordinary skill as software alone, the claim is directed to software *per se* and is non-statutory.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,907,837 issued to Patrick J. Ferrel et al. (hereinafter "Ferrel"), in view of U.S. Patent Number 5,832,497 issued to Jeffrey C. Taylor (hereinafter "Taylor").

Regarding claim 1, Ferrel discloses,

A method for creating a personalized home page on a web site comprising:

presenting a entry page to the user for user entry of desired content (column 8 lines 1 – 3, column 17 lines 45 – 56, et seq.);

receiving said entry of desired content from said user (column 8 lines 1 – 3, column 17 lines 45 – 56, et seq.);

a user account including said desired content (Figures 1 and 4, column 8 lines 61 – 63, et seq.); and

creating a personalized home page including said desired content (column 7 lines 61 – 62, column 8 lines 39 – 43; 61 – 63, et seq.).

Ferrel does not explicitly disclose,  
associating user account on said web site with said home page, said account including desire content and an associated user ID and password.

However, Taylor discloses associating user account on said web site with said home page, said account including said desire content and an associated user ID and password (column 3 lines 61 – 62, column 4 lines 54 – 58, column 5 lines 40 – 41, et seq.). At the time of the present invention, it would have been obvious to a person of ordinary skill in the data processing art to combine the two references because Taylor's user account with desired content, user ID and password would have enabled Ferrel's overall system to have security features that would specify who may access the contents. The combination would result in a secure system operable to lead a user through certain steps and parameters to a search/organization by categories.

Regarding claim 2, Ferrel discloses said content includes categories of information (Figures 22 – 24, column 21 lines 40 – 53, column 17 lines 49 – 50, et seq.).

Regarding claim 3, Ferrel discloses non-textual information associated with said categories (column 7 lines 61 – 62, et seq.).

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Regarding claim 4, Ferrel discloses said non-textual information includes graphics (column 9 lines 15 – 16, et seq.).

Regarding claim 5, Ferrel discloses said content includes keywords (column 27 line 40, column 17 lines 45 – 50, et seq.).

Regarding claim 6, Ferrel discloses said content includes categories associated to said keywords (column 27 line 40, column 17 lines 45 – 50, column 23 lines 56 – 62, et seq.).

Regarding claim 7, Ferrel discloses said content includes categories associated to said second set of keywords (column 27 line 40, column 17 lines 45 – 50, et seq.).

Regarding claim 8, Ferrel discloses said content categories associated to said keywords and further associated to an additional set of categories (column 27 line 40, column 17 lines 45 – 50, et seq.).

Regarding claim 9, Taylor discloses said account further includes personalized information (column 5 lines 33 – 58, et seq.).

Regarding claim 10, Taylor discloses said personalized information includes a URL to the user's homepage (column 5 lines 33 – 58, et seq.).

Regarding claim 11, Taylor discloses the act of password-protecting said account (column 3 lines 61 – 62, column 4 lines 54 – 58, column 5 lines 40 – 41, et seq.).

Claims 12 – 22 are rejected based on the same rationale discussed in claims 1 – 11 rejections.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Number 5,870,552 issued to Linda T. Dozier et al discloses a publishing system to create and publish hypermedia content in electronic form.

U.S. Patent Number 5,732,219 issued to Thomas P. Blumer et al discloses a system for remotely editing document objects stored on server via a communication channel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sangwoo Ahn whose telephone number is (571) 272-5626. The examiner can normally be reached on M-F 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571)272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Sangwoo Ahn  
Patent Examiner  
AU 2166

11/16/2006 SW

  
**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**